

# Provision of Schedule D data

Trial outcomes – July 2023



Community Legal Centres  
Australia

## Project overview

Schedule D of the National Legal Assistance Partnership (NLAP) requires the states and territories to provide unit-level legal assistance service data to the Commonwealth. The Commonwealth has commissioned the Australian Bureau of Statistics ('ABS') to undertake data collection and analysis work on its behalf.

Since states do not have access to unit-level CLASS data, CLCs Australia has been asked to facilitate its provision.

Across the community legal centres sector there has been considerable concern that provision of unit-level data could risk breaches of client confidentiality. Community Legal Centres Australia ('CLCs Australia') has been seeking a way to facilitate provision of this data without compromising the confidentiality of client data. CLCs Australia has been mindful that only the principal solicitors of individual community legal centres can authorise the release of unit-level data as they are the owners of their centre's data. They alone can determine whether the provision of this data constitutes a risk to client confidentiality, and failure to manage this risk would be a breach of their legal professional responsibilities. The pilot has sought to assess the burden for principal solicitors in managing this risk.

CLCs Australia hopes that, following consideration of the collated sample dataset and feedback from all stakeholders (CLCs Australia, principal solicitors involved in the trial, the ABS and the Attorney-General's Department (AGD)), the Commonwealth will modify its data request before the full-scale delivery process commences in September 2023.

CLCs Australia is seeking feedback from the ABS on further methods that can be used to aid with deidentification at the point of data extraction and/or to improve the quality of the data provided in the extract. Any other feedback that could be integrated into the final provision of data would be appreciated.

In Preliminary D2 of the Schedule D it states that:

*"The Commonwealth will provide specific guidance on operationalising the requirements outlined in this Schedule."*

Preliminary D3 states:

*"The State will provide Legal Assistance Service Data in accordance with this Schedule and the operational guidance issued by the Commonwealth."*

Further guidance and assistance from both the ABS and AGD would be appreciated when the final data extract is performed.

CLCs Australia makes the following recommendations following completion of the trial:

1. Additional guidance be provided by the ABS as to how deidentification can be applied to the data extract by CLCs Australia BEFORE solicitors need to review and approve those rows which generate a higher risk of client identification.
2. Further guidance be provided by the ABS about service date parameters.
3. Additional resources be provided by the Commonwealth to enable the sector to meet the requirements of Schedule D, as per Preliminary D2 and D3.
4. Location should be reported by remoteness indicator, or at a minimum location should be zoomed out to SA3.
5. Disability status be recorded as yes or no, not disability type.
6. Client language value be recorded as English-Speaking Background or Non-English-Speaking Background, instead of specific language spoken.

## Trial phase

CLCs Australia sought trial participants from each state and territory. Each state/territory was asked to provide one large centre and one small-to-medium centre to participate in the trial. Most states and territories delivered participants as requested, although only one centre in South Australia volunteered and no centres from the Australian Capital Territory volunteered for the trial. Thirteen centres agreed to participate in the trial.

In summary:

- 13 centres agreed to participate in the trial.
- 9 returned deidentified datasets.
- 4 centres did not return a dataset:
  - 1 declined but did provide extensive useful feedback on the process.
  - 3 centres have neither provided datasets nor feedback.

## De-identification approach and methodology

CLCs Australia extracted and transformed legal assistance data for each of the 13 participating centres for the 2021-2022 financial year. The data extracted was transformed to make it harder to identify specific clients using methods described in the ABS publication on treating microdata. Other changes were also instituted following discussions with West Australian CLCs (which had undergone a similar unit-level data provision process earlier in the year), sector Professional Indemnity Insurance representatives and other key stakeholders. Information about the data transformation and guidance to further de-identification steps was communicated to trial participants via collateral detailed in *ANNEXURE A - Project collateral provided to trial participants*.

The methodology aimed to keep it as simple as possible for centres, while also providing meaningful de-identification in ways that could be done in the shortest amount of time.

Based on the ABS's guidance on treating microdata, the two methods used by CLCs Australia in the extract provided were "Combine categories" and "Top/bottom coding".

Time and location were chosen as the only fields to be modified by principal solicitors once the extract was provided. These were chosen so that the uniqueness of the demographic details of the dataset would be preserved but universal attributes like space and time could be altered. Data owners could change the SA2 Code to 'state' if they were concerned that location could be an identifying factor. Similarly, alteration of date of service was allowed in case the timing of the case was a risk factor when identifying high profile cases.

## Trial tasks

CLCs Australia set up the trial and included the following process:

- CLCs Australia extracted and treated the data for each participating centre for the financial year 2021-2022.
- Principal solicitors reviewed and amended their centre's data as per instructions in the trial guide, attached at ANNEXURE A - Project collateral provided to trial participants.
- The amended data was sent back to CLCs Australia for collation, along with the solicitors' feedback.
- CLCs Australia appended the amended data into a single data set.
- Dataset and this report will be provided to ABS.

## Trial participant feedback

### Centre concerns re client identification risks

One centre raised a concern around the risk of client identification being increased due to the ABS holding a copy of centre data and having the potential to combine it with other data held by the ABS, such as census data. While the solicitor believed this risk was minimal, they were still concerned that this would increase the risk related to client identification, particularly for those clients in rural and remote areas.

### Feedback requested

Could the ABS provide us with any information that will help us communicate that this risk is low given the ABS has multiple controls in place across its operations to prevent such an occurrence?

### Centre concerns re time to review data extract row by row

One centre declined to provide their data extract. The reasons provided were two-fold: risk of client identification and administrative burden. The risk of specific data values leading to identification is outlined in the table below (in the Specific centre feedback section). This centre also felt that the current row by row approach was not a feasible way for centres to work through

the deidentification task due to the length of time it would take their principal legal officer to review the entire dataset. They estimated the task would have taken approximately 41+ hours to complete. This was felt to be too onerous a demand on their centre resources. This, combined with this centre's concerns around the risk to clients being identifiable, prompted the centre's decision to decline to return the trial dataset. However, the centre provided excellent feedback as to how risk of client identification could be decreased. The centre noted that it would provide the data extract if de-identification was performed by CLCs Australia at the point of data extraction and the reviewing solicitor was asked to review only those rows which had a quantifiably high risk of identification when the unique characteristics of each row had been assessed.

## Centre concerns re dataset not being complete/accurate

One centre did not provide us with its de-identified dataset as it felt that its data extract was not complete. The principal legal officer felt that the centre's data was 'under-counted'. That centre records information in the Financial Disadvantage Indicator ('FDI') against every single service delivered by recording a response in the service characteristics section of CLASS. Upon the centre letting us know that it had concerns, CLCs Australia's data team reviewed the extract and provided the following information to the principal legal officer:

*"The ABS test data guide says the field is not required for all service types except representation. CLCs Australia has interpreted this as Court/Tribunal, Dispute Resolution, and Other Representation. We believe Ongoing Legal Support does not count as Representation because they are performing ongoing assistance without being 'on the record' as representing the client in proceedings. There would be an additional 30 odd records that would be 'Yes' if they were included. Based on your feedback we have changed the output data to say "Not Relevant" which means it is not counted on that service type based on the ABS criteria submitted to us.*

This feedback allayed the centre's concerns and it provided us with their reviewed data.

## Client language

In a few of the trial datasets, the language value was provided as a numeral, rather than the name of the language itself. This will be corrected in the final extract when provided.

## Feedback requested

CLCs recommend the "combine categories" method be adopted to code the extract with "English-Speaking Background" or "Not English-Speaking Background" and seeks ABS approval of this approach.

## Multiple rows returned for certain clients/services

Several users raised the fact that certain service values or client values seemed to be duplicated, returning values in multiple rows, which the centres felt could lead to over-counting of services

delivered. This occurred because the format of the data extract requested includes one-to-many field relationships and multi-select value fields, and the query requested returned a new row for every unique combination of those field values, even if values were recorded across the same service. The field values relevant to this query were:

- Disability type.
- Financial Disadvantage Indicator (FDI).
- Court Type.
- Hearing Type.

It should be noted that Court Type and Hearing Type are not currently recorded in CLASS. This may be relevant to the final decision made by the AGD when finalising the fields required for the September 2023 extract.

CLCs Australia will provide additional guidance to centres when the final extract is reviewed so this issue is no longer a concern.

## Recommendations

1. Additional guidance be provided by the ABS as to how deidentification can be applied to the data extract by CLCs Australia BEFORE solicitors need to review and approve those rows which generate a higher risk of client identification.
2. Further guidance be provided by the ABS about service date parameters.
3. Additional resources be provided by the Commonwealth to enable the sector to meet the requirements of Schedule D, as per Preliminary D2 and D3.
4. Location should be reported by remoteness indicator, or at a minimum location should be zoomed out to SA3.
5. Disability status be recorded as yes or no, not disability type.
6. Client language value be recorded as English-Speaking Background or Non-English-Speaking Background, instead of specific language spoken.

## Specific centre feedback

State	Field	What/Why	Recommended	# Centres
WA	Disability Status	<ul style="list-style-type: none"> <li>Combined with other indicators, this raised risk of client identification.</li> <li>Multiple disability statuses for same client were split into two different rows. Combining multiple disability statuses on same client raised risk of client identification.</li> </ul>	Disability status field to be presented as Yes/No, rather than type of disability to lessen risk of client identification. In practice this would mean a client with 1 or many disabilities would be considered 'Yes'.	5/9
WA	Client ID/ Deidentified Client GUID ID	The 'de-identified' identifier (GUID) was noted to be the same for clients who had multiple services. This centre felt multiple matters/rows could increase the risk of identification.	Seek advice from ABS about preserving persistence but also balancing this with the unique number of Services per client.	3/9
WA	Language	Client language, combined with other client values, could increase risk of client identification.	Language should be captured more generically, e.g. ESB or NESB, not specific language of client, in order to decrease identification risk.	2/9
WA	Multiple	In some very rare combinations, there is such a high risk of identifying the client when looking at the information provided that the row of data should not be provided at all. In these circumstances, there should be an ability to delete a row or use multiple additional layers of de-identification, in addition to zooming out on location and date range. These additional measures, on top of initial zooming out, would include data masking, data swapping etc. Solicitor has mentioned this instance would be very rare, if any.	<p>Provide ability to institute further de-identification (in addition to location and dates) if necessary e.g. data swapping, data masking.</p> <p>Seek ABS guidance on whether to provide the option of removal of most attributes of clients records in the case that the combination of multiple attributes could reveal identity. Will this bias dataset? Seek specific guidance on which fields should be suppressed i.e. from Service or Client or all.</p>	2/9
SA	Location	Solicitor removed suburbs and zoomed out to State for ALL rows. The solicitor felt that a lot of the centre's areas were regional and in some of the smaller regions, the name of the region, combined with other demographic information,	What other values could be supplied while minimising the risk of client identification?	6/9

State	Field	What/Why	Recommended	# Centres
		<p>significantly increased the risk of the client being identifiable.</p> <p>A NT Solicitor changed all locations to NT, as they were concerned that in areas of small population, clients would be identifiable.</p> <p>VIC, NSW and WA participants have suggested changing SA2 resolution to SA3.</p> <p>A WA participant acknowledged that while zooming out to State would be too broad, for their centre, there was marginal difference between State value and SA3 value. The participant stated that the difference between SA3 and State level was marginal, due to the population distribution across the centre's service region.</p> <p>A NSW participant asked if it would be possible to change SA2 value to region value instead, e.g. Brewarrina to North-West NSW. This is because the solicitor would still like to show demand in regional and remote areas.</p> <p>A VIC participant changed all rows that had a value in the ATSI status column to reflect VIC as their location, as they felt it was too high a risk for client identification.</p>	<p>As a national peak, we are concerned that zooming out to state level will remove any distinctions relating to service delivery between metro/regional/rural/remote. At a minimum, we would suggest adding remoteness indicator as a field if this approach is adopted.</p> <p>CLCs should provide an aggregate count of Clients at different spatial scales i.e. SA2, SA3, Rural and Remote to determine which suits the policy questions of the ABS and also reflects concerns that centres want to see i.e. Rural/Remote distinction.</p> <p>CLCs to aggregate to SA3 after discussion with ABS/AG and Solicitors still have option to aggregate to State if SA3 not sufficient.</p> <p>ABS has indicated that it is likely to only publish State as location indicator with a remoteness indicator in this initial round.</p>	
SA	Date	Solicitor only returned dd/yy to minimise risk of client identification by removing month value	Where specific date (dd/mmm/yy) is too identifiable, change to mmm/yy	3/9
NT	N/A	Solicitor would prefer that they were provided with more time and more guidance. They would also prefer that the deidentification process is completed by CLCs Australia with a data background, and issues flagged by data experts and a summary of any flagged deidentification issues provided to the Principal Legal Solicitor for approval. The	<p>Top-down methods are already performed by CLC's on the extract detailed in the supplied table under the guidelines.</p> <p>CLCs could provide more broad and specific guidance on clients that have a risk of being identified. For example, a map of the density of clients in each SA2 area or an analysis of criminal cases. CLCs Australia should discuss directly with</p>	5/9



State	Field	What/Why	Recommended	# Centres
		PLO commented it was difficult to review this amount of information with already stretched resources.	centres what other information could be useful to speed up the review process and incorporate these recommendations into the final data extraction and review process.	

## Annexure A

### Project collateral provided to trial participants

#### Overview

Schedule D of the [National Legal Assistance Partnership \('NLAP'\)](#) requires centres to provide unit-level legal assistance service data to the Australian Bureau of Statistics ('ABS') for use by the Commonwealth Attorney General's Department ('AGD'). There has been considerable debate whether the provision of aggregate data breaches client legal privilege.

The purpose of this trial is to evaluate a sample of the data required under schedule D with commentary and recommendations from all stakeholders (CLCs Australia, Principal Solicitors involved in the trial, the ABS and the AGD) before full scale adoption.

#### Project composition

- 2 centres from each state and territory have agreed to be part of the trial.
- CLCs Australia have tried to select a large centre and a small to medium centre from each state/territory. Depending on the state, this may or may not have been possible, but it is the intention that 16 centres nationally will participate in the trial.
- Aggregate data has been extracted for each centre for the financial year 2021 to 2022. All fields requested under Schedule D have been included, with some modifications made to the dataset as detailed later in this guide.

#### Project tasks

- CLCs Australia extract the required data for each selected centre.
- Principal Solicitors review and amend their data as per instructions in this guide.
- The amended data is sent to CLCs Australia.
- CLCs Australia append the amended data into a single data set and provide that to ABS.
- CLCs Australia provide an evaluation tool to collect feedback from each trial participant.
- ABS and CLCs Australia will then provide feedback to AGD for their comment and feedback.

#### Project timeline

Date	Description	Responsibility	Status
May 2023	<ul style="list-style-type: none"><li>• Identify centre participants</li><li>• Prepare Extracts</li><li>• Liaise with Centre participants</li></ul>	CLCs Australia	Completed

Date	Description	Responsibility	Status
9 June 2023	All centres provide amended data to CLCs Australia	Principal Solicitors of selected centres	In progress
14 June 2023	Append amended data into one dataset	CLCs Australia	Not complete
16 June 2023	Provide single dataset to ABS	CLCs Australia	Not complete
30 June 2023	Collect additional feedback from centre participants	CLCs Australia	Not complete
1 July 2023	Provide feedback to ABS and AGD	CLCs Australia	Not complete
September 2023	Schedule D provisions implemented nationally	CLCs Australia	Not complete

## Project purpose

The outcomes of this trial will be used to refine the implementation of the Schedule D data provision implemented in September 2023

## Project contacts

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## Project information

Please use the instructions provided below to prepare your trial data extract.

### Use of Schedule D data

Schedule D data will be used for policy, analysis, research, and statistical purposes. Data held by the AGD or the ABS will not be used for compliance, regulatory, national security or law enforcement purposes, unless otherwise required by law.

See [Legal Assistance Service Data](#) and Annexure B, Policy questions for Legal Assistance Service Data<sup>1</sup>, below.

See [National Legal Assistance Data Strategy June 2021](#).

### Purpose of guidance

Principal Solicitors are asked to approve or amend data to ensure an extra layer of privacy in the unit/record data held by ABS to mitigate any unauthorised use.

Unit/record data allows ABS analysts to understand the quality and trends more fully in datasets. Their analysis ensures the data is fit for purpose. None of this data will be published by Unit/Record by the ABS or anyone else. The data will be published in aggregate only.

Methods the ABS use to de-identify data include limiting the number of variables, modifying cell values, combining categories and top/bottom coding.

Our sector's national dataset is published in aggregate, with Counts of Clients and Services only published with the location precision of ABS SA2 or State boundaries.

In accordance with ABS direction, CLCs Australia has already applied "Top/bottom coding" techniques to reduce the identifiability before the data is provided to Principal Solicitors. For example, Date of Birth is replaced by Age Brackets. ABS provide information on this technique: [Treating microdata | Australian Bureau of Statistics \(abs.gov.au\)](#).

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<sup>1</sup> **Policy questions for Legal Assistance Service Data** was published by the Attorney General's Department in March 2022, but is no longer available on internet so has been reproduced as Annexure B of this guide.

## Schedule D Data required under NLAP

Field/Item	Description	De-identification technique/s applied	Source
PROV_ID (Service Provider identifier)	Unique Identifier for each Service Provider, in this case CLC. This currently includes centres who have at least some NLAP funding	This is a unique number to represent the Centre which is not related to the Centre in any other way.	ABS link to bookmark indicating only CLC/ATSIL reqd not actual Centre
CLIENT_ID	Unique Client ID persistent across reference periods	This is not the original CLASS Client ID to reduce chances of identification. New persistent Client IDs have been generated to reduce chance of identification.	ABS and AGD Agenda Notes21July2022NLAP Reporting
SERVICE_ID	The unique service identifier, used to identify each service provided to a client.	This is not the original CLASS Service ID to reduce chances of identification.  New Service IDs have been generated to reduce chance of identification.	ABS and AGD Agenda Notes21July2022NLAP Reporting
LOCATION (SA2 NAME)	This is the name of the SA2 (Statistical Area 2, ABS) Boundary for the Client based on their address being geocoded to an ABS boundary	Address, Suburb, Postcode, LGA have been removed from the dataset to minimise identifiability of Clients in remote locations. SA2 is in most cases a larger boundary.	ABS and AGD Agenda Notes21July2022NLAP Reporting
STATE (Added field for de-identification purposes)	The State the record comes from	LOCATION (SA2 is removed) from field and State abbreviation is added to STATE Field SA, VIC, TAS, ACT, NSW, WA	CLC's Australia for deidentification

Field/Item	Description	De-identification technique/s applied	Source
AGE	Date of birth of the client, used to calculate age. For unknown age, the default date is 01/01/1900.  0-17 18-24 25-34 35-49- 50-64 65+	The DSM specifies that client age data be recorded as date of birth; unknown; not stated; or Estimated year of birth.  In Schedule D, the client age data item is titled 'Age provided in age brackets'. It is assumed this format was decided based on client privacy purposes, and would require the conversion of DOB into the bracket format.	ABS and AGD  Agenda Notes21July2022NLAP Reporting
GENDER	Gender is classified as one of seven categories as per the DSM.		Schedule D, NLAP  ABS
IT (Interpreter/Translator required)	A flag that indicates whether an Interpreter or Translator is required.		Schedule D, NLAP  ABS
FVI (Family Violence Indicator)	Represents whether a client has self-identified family violence, or the service provider has identified behaviour that may constitute family violence.		Schedule D, NLAP  ABS
FDI (Financial Disadvantage Indicator)	As per DSM "A person who does not have the means to pay for their legal representation without causing serious financial difficulty		Schedule D, NLAP  ABS

Field/Item	Description	De-identification technique/s applied	Source
ATSI (Aboriginal and Torres Strait Islander status)	Indicates whether or not a client identifies as being of Aboriginal or Torres Strait Islander origin.		Schedule D, NLAP ABS
DIS	Disability status.		Schedule D, NLAP ABS
LANGUAGE	Main language spoken at home.		Schedule D, NLAP ABS
SERV_TYPE	The type of service received by the client following request for assistance.		Schedule D, NLAP ABS
DATE	Date of service (for a discrete service)		Schedule D, NLAP ABS
DATE (EST)	Field added to de-identify records by changing data to month: 03/06/21 to Jun-21		CLC's Australia CLC's Australia for deidentification
SERV_START	Open date of service (for ongoing services)		Schedule D, NLAP ABS
SERV_START (EST)	Field added to de-identify records by changing data to month: 03/06/21 to Jun-21 For ongoing cases – need SERV_END populated like this to		CLC's Australia for de-identification

Field/Item	Description	De-identification technique/s applied	Source
SERV_END	Close date of service (for ongoing services)		Schedule D, NLAP ABS
SERV_END (EST)	Field added to de-identify records by changing data to month: 03/06/21 to Jun-21		CLC's Australia for de-identification
LAW_TYPE	? Should be Law_type not Primary ?		Schedule D, NLAP ABS
PROB_TYPE	Problem type Describes the client's issue with regard to family, civil or criminal law.		Schedule D, NLAP ABS
ACT_TYPE	A Facilitated Resolution Process is where a Service Provider conducts an activity (for example a conference) to assist the parties to resolve or narrow issues in dispute. There are a number of Activity Types within this Service Category, including: · screening · arbitration · conferences · mediation.		Schedule D, NLAP ABS
SERV_RESULTS	Service Results (Facilitated Resolution Processes only) Select one: · Fully settled · Partially settled · Not held · Not resolved		Schedule D, NLAP ABS



Field/Item	Description	De-identification technique/s applied	Source
HEAR_TYPE	<p>'Hearing Type' is not considered narrowly. This category is intended to record court events beyond a substantive hearing such as brief appearances, mentions and bail applications. Interim means a court event which involves a temporary or provisional arrangement. Note not customised to DSM</p>		<p>Schedule D, NLAP ABS</p>
CRT_TYPE	<p>Type of Court. (Only high level classes provided in CLASS):</p> <ul style="list-style-type: none"> <li>Childrens Court</li> <li>Federal Circuit Court</li> <li>Local Court</li> <li>Magistrates Court</li> <li>Not applicable &amp; Not recorded</li> </ul>		<p>Schedule D, NLAP ABS</p>

## Guidance to de-identification

Not all fields/data items give equally identifying information. **Time** and **location** are two fields that can make individuals and their services easy to identify. This is because if there are only a small count of individuals in a boundary such as an ABS boundary in a remote location along with their demographic information it can mean they can easily be identified.

This is particularly the case if their information can be matched with other information. For high profile cases if the timing of a service or services is included this may also make it easier to identify individuals. Having said this, many useful analysis and policies are relevant over time and location so this information should be altered sparingly.

The following guidelines are designed to help de-identify individuals in the unit/record data in a straightforward way by altering the resolution of these two fields but by preserving as much as possible for time/series analysis.

These methods are intended not to bias the sample data by not removing important demographic and services fields that are unique to our data collection. They also create a transparent method of alteration, so the manipulation of the data is a known quantity.

## Steps to de-identification

### Step 1 - Review your records

Review your extract, make sure it is as you would expect. If there is a line item or column value you are unsure or concerned about, contact CLC's Australia. Details of Project personnel are included at the bottom of this document. CLC's Australia has also provided a summary count as part of your extract so you can check it against your centre's own known counts to ensure we have extracted the correct number of records you expect for your NLAP reportable services.

### Step 2 – Determine if your unit/record data may be identifiable

In general, you may want to look out for specific traits or demographics of clients in low density SA2's or if specific dates/problem types that are recognisable or not common.

Anything that makes a client more distinguishable in a low-density geographic location may be of particular concern. Unfortunately, this is not a hard and fast science which is why we need your expertise to identify clients most at risk of identification.

### Step 3 - Apply de-identification methods

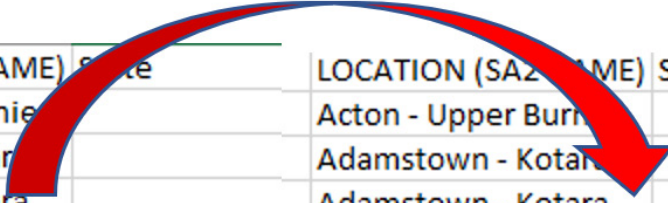
If you find any records which you believe may make your client identifiable, please apply either or both de-identification methods listed below.

Both methods listed below are examples of combining categories. If you require any further assistance, as you believe this matter may still be identifiable, please contact CLC's Australia to discuss, so we can help you identify and apply another appropriate method to ensure your client's matter is not identifiable.

## Method 1

### Change SA2 to State boundary (Change to coarser spatial resolution)

1. Sort your records by [LOCATION SA2]
2. If you have very few clients in one [Location SA2 name] remove the value and add the State name to the State column



LOCATION (SA2 NAME)	State	LOCATION (SA2 NAME)	State
Acton - Upper Burnie		Acton - Upper Burnie	
Adamstown - Kotara		Adamstown - Kotara	
Adamstown - Kotara		Adamstown - Kotara	
Adamstown - Kotara		Adamstown - Kotara	
Adelaide			SA
Albany		Albany	
Albany Region		Albany Region	

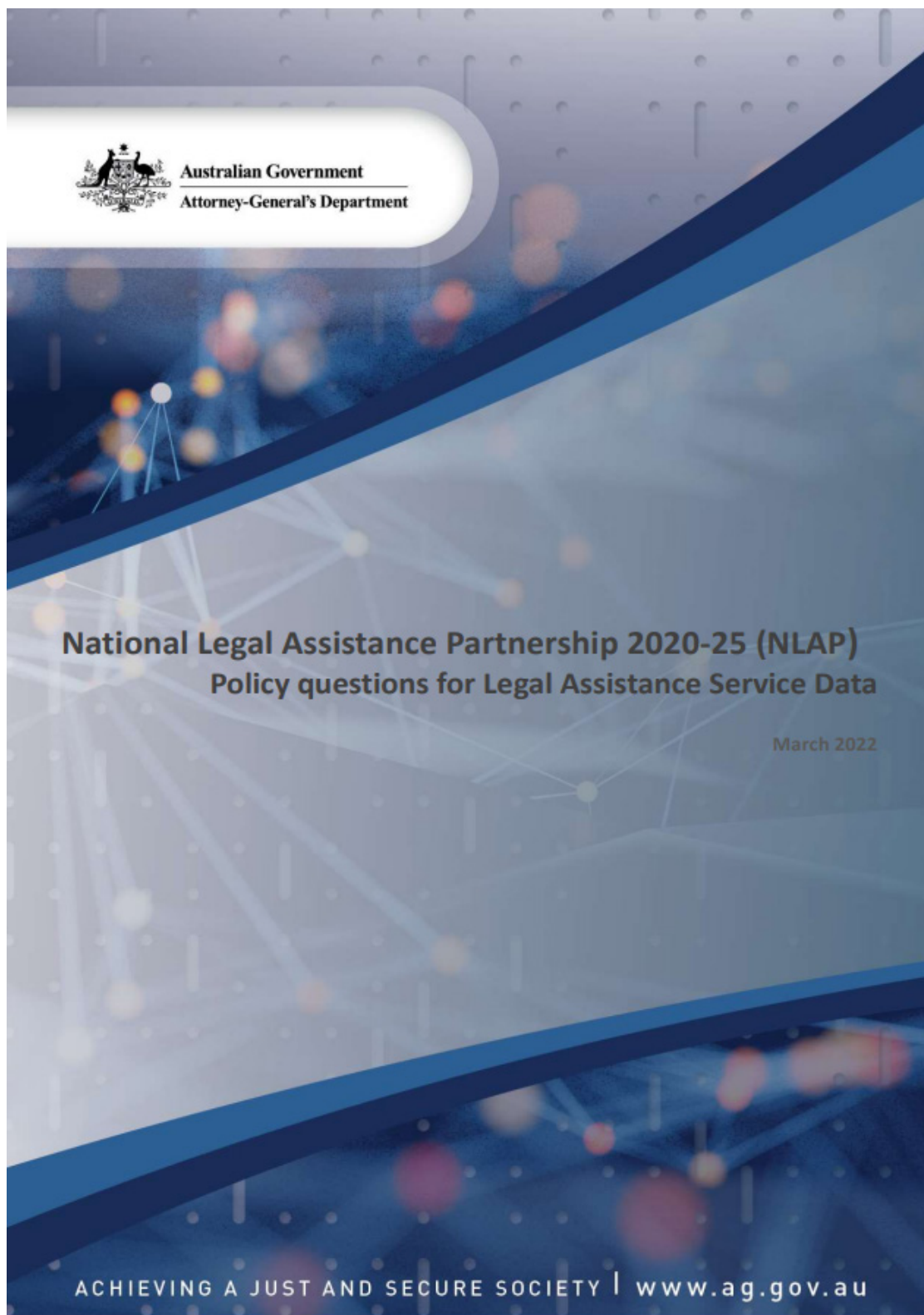
### Result of this method

By adding the State name this Client and their services will still be able to be counted in State reports and their identity will be masked by a much higher count in the geographic boundary (in this case State). This level of de-identification should suffice for most cases.



## Annexure B

### National Legal Assistance Partnership 2020-25 (NLAP) Policy questions for Legal Assistance Service Data



## Context

Under Schedule D of the NLAP, unit-level data will be provided to the Australian Bureau of Statistics (ABS) by 30 September each financial year until 2025, and will be used to inform annual statistical publications.

The data items listed under Table 8, Schedule D of the NLAP (for publication by the ABS) could be combined and output in hundreds of different ways. For example, hearing type could be cross-tabulated against gender, disability status and age as well as problem type and service date. There are two main factors that inform which outputs (data combinations) are eventually published in the statistical publication<sup>1</sup>:

- Data needs/focus areas for the legal assistance sector. That is, which areas of legal assistance would benefit most from publicly available, accessible data?
- Data quality. The ABS adhere to strict data quality standards and will only publish data that is in line with their Data Quality Framework.

Therefore, the first step of the first annual statistical publication is to gauge which information the Commonwealth, states and territories and legal assistance sector would find most useful and insightful. These data needs/focus areas will need to be considered in terms of the available data. That is, there is no guarantee that these areas of need, focus and interest will be feasible enough, or of sufficient quality, to report. Nonetheless, they will assist the ABS in shaping the direction and focus of the first publication.

It is also important to note that data needs/focus areas and data quality will be constantly revisited throughout the life of the NLAP, which will inform the scope of future statistical publications.

## Policy questions for consideration

The Commonwealth has developed a series of policy questions (**Appendix 1**), based on current priorities for the legal assistance sector (drawing on the NLAP, the National Strategic Framework for Legal Assistance and strategic documents/corporate plans from across the sector).

***The Commonwealth seeks your input on the list of questions posed.***

These questions will be provided to the ABS, who will assess whether they could feasibly produce tables that answer these questions using Schedule D data. This process will inform the development of the first annual statistical publication and in particular how the data is to be displayed. ***We ask that the questions are kept broad and thematic – this will assist the ABS in assessing their feasibility.***

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<sup>1</sup> The ABS will still collect, analyse and manage data items that are provided under Schedule D, regardless of whether they appear in the statistical publication. On an ad-hoc basis, they are also able to provide data reports containing information that does not appear in the statistical publication. See Appendix 3 of the [National Legal Assistance Data Strategy](#) for further detail.



## Appendix 1 – Proposed questions

- **Who accesses legal assistance services?**
  - *What is the demographic profile of clientele (based on the National Priority Client Groups)*
  - *How does this vary by the nature of the service delivered?*
- **How do certain (National Priority) client groups receive/experience legal assistance services?**
  - *How many services do they receive?*
  - *What types of services do they receive?*
  - *Where are services delivered generally, and for specific service types (i.e. where are certain services concentrated)?*
  - *What types of legal problems do they receive legal assistance for?*
  - *How long does it take for a service to be delivered to them?*
  - *What is the pattern of service delivery? What is the profile of clients with one-off matters and those who have multiple matters? How do different matter types cluster together (where there's one service and another service is often provided as well?)*
  - *Are service providers providing services to more victims or perpetrators of family domestic violence?*
  - *In particular, what is the proportion of clients living with a mental health condition?*
- **How are legal assistance services used to respond to legal need?**
  - *Which law types do legal assistance providers cater for?*
  - *What types of services do legal assistance providers provide generally, and for specific legal problems?*
  - *How do the Courts and Tribunals differ in terms of the law types and legal problems, heard?*
  - *What types of services do legal assistance providers provide in which locations?*
  - *How long do legal assistance providers typically take to provide specific services?*
  - *How long do legal assistance providers typically take to respond to certain legal problems/law types?*
  - *In particular, how many ICL services are delivered? Where are they delivered and to whom?*
- **How have the above trends changed over time?**
- **What is the time, intensity and effort for services provided in the justice system?**
  - *Do services to certain priority client groups take longer than others?*
  - *Is service length increasing over time, perhaps reflecting more holistic service provision or increasing complexity of client issues?*
  - *Is more time being spent on a particular service type and to a particular priority client group?*